

AMENDED IN ASSEMBLY MAY 17, 1999

AMENDED IN ASSEMBLY APRIL 27, 1999

AMENDED IN ASSEMBLY APRIL 21, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1482

Introduced by Assembly Member Alquist
(Coauthors: Assembly Members Cardoza, Cunneen, Honda,
Keeley, Lempert, Longville, Olberg, and Oller)
(Coauthors: Senators Chesbro, McPherson, and
Vasconcellos)

February 26, 1999

~~An act to amend Sections 31108, 31752, 31752.5, and 31754 of the Food and Agricultural Code, and to amend Section 21 of Chapter 752 of the Statutes of 1998, relating to An act to add and repeal Section 31755 of the Food and Agricultural Code, relating to animals, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1482, as amended, Alquist. Stray animals: impounding requirements: operative date.

Under existing law, on and after July 1, 1999, any stray dog or cat impounded by a public pound or specified shelter will be required to be held for at least 4 or 6 business days, as specified, before being killed. Under existing law, on and after July 1, 1999, and until July 1, 2001, any animal relinquished to a public pound or specified shelter by its owner will be

required to be held for at least 2 full business days, as specified, before being killed.

This bill would provide that, until July 1, 2000, a public agency that had a contract with another public or private entity to provide or receive animal shelter or animal pound holding services on January 1, 1999, by resolution, may comply with specified holding periods that were in effect on June 30, 1999, if specified conditions are met.

~~This bill would require, on or after July 1, 1999, and until July 1, 2001, any animal relinquished by the purported owner, to be held for 2 full business days, as specified, before being killed, except that the bill would, with respect to a pound or shelter that contracted, on or before December 31, 1998, with a public entity to provide animal shelter services, apply that provision only on and after July 1, 2000. The bill would make the provision regarding a stray dog or cat to be held for at least 4 or 6 business days operative on July 1, 2000. The bill would, until, July 1, 2000, require a pound or shelter that contracted on or before December 31, 1998, with a public entity to provide animal shelter services, with respect to services from the operative date of the bill until the end of the contract, to hold a stray dog or cat or feral cat for 72 hours, except as specified.~~

The bill would declare that it would take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 31108 of the Food and~~
- 2 *SECTION 1. Section 31755 is added to the Food and*
- 3 *Agricultural Code, to read:*
- 4 *31755. (a) Notwithstanding any other provision of*
- 5 *law, a public agency that had a contract with another*
- 6 *public or private entity to provide or receive animal*
- 7 *shelter or animal pound holding services on January 1,*
- 8 *1999, upon adoption of a resolution, may comply with the*
- 9 *holding periods specified in Sections 31108, 31752, 31752.5,*

1 and 31754 on June 30, 1999, if all of the following
2 conditions are met:

3 (1) The public agency determines that its animal
4 shelter provider, independently of, or in conjunction
5 with, other animal pounds or animal shelters, cannot
6 reasonably comply with the longer holding periods
7 required by Sections 31108, 31752, 31752.5, and 31754, as
8 amended or added by Chapter 752 of the Statutes of 1998
9 because of the lack of sufficient facilities.

10 (2) The public agency has developed, or commits to
11 developing, a plan to meet the holding periods required
12 by Sections 31108, 31752, 31752.5, and 31754, as amended
13 or added by Chapter 752 of the Statutes of 1998 as soon as
14 practicable.

15 (3) The public agency requests its animal shelter
16 provider to utilize existing and any new animal shelter
17 facilities to comply, to the extent possible, with the
18 holding periods required by Sections 31108, 31752,
19 31752.5, and 31754, as amended or added by Chapter 752
20 of the Statutes of 1998.

21 (4) The public agency directs the animal shelter
22 provider to operate or establish a program for the
23 adoption of animals.

24 (5) The public agency directs the animal shelter
25 provider to release an animal scheduled to be euthanized
26 to a nonprofit, as defined in Section 501(c)(3) of the
27 Internal Revenue Code, animal rescue or adoption
28 organization at the request of that nonprofit
29 organization, as provided by law.

30 (6) The public agency requests the animal shelter
31 provider to comply with the operating hours specified in
32 paragraphs (1) and (2) of subdivision (a) of Section 31752
33 or in paragraphs (1) and (2) of subdivision (a) of Section
34 31108, as appropriate, in order to increase the opportunity
35 for owners to reclaim their pets and to increase the
36 opportunity for adoptions.

37 (b) It is the intent of the Legislature that there be no
38 further statutory delay in implementing the holding
39 periods established by Chapter 752 of the Statutes of 1998.

(c) It is the intent of the Legislature that, where possible, animal pounds and shelters utilize the Internet to provide pictures or descriptions, or both pictures and descriptions, of animals housed in these pounds or shelters, in order to facilitate reuniting owners and pets and to facilitate adoption.

(d) This section shall remain in effect until July 1, 2000, and as of that date is repealed.

Agricultural Code is amended to read:

~~31108. (a) Except as specified in subdivision (c), the required holding period for a stray dog impounded pursuant to this division shall be six business days, not including the day of impoundment, except as follows:~~

~~(1) If the pound or shelter has made the dog available for owner redemption on one weekday evening until at least 7:00 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment.~~

~~(2) If the pound or shelter has fewer than three full-time employees or is not open during all regular weekday business hours, and if it has established a procedure to enable owners to reclaim their dogs by appointment at a mutually agreeable time when the pound or shelter would otherwise be closed, the holding period shall be four business days, not including the day of impoundment.~~

~~Except as provided in Section 17006, stray dogs shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption for the remainder of the holding period.~~

~~(b) Any stray dog that is impounded pursuant to this division shall, prior to the killing of that animal for any reason other than irremediable suffering, be released to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organization if requested by the organization prior to the scheduled killing of that animal. In addition to any required spay or neuter deposit, the pound or shelter, at~~

1 its discretion, may assess a fee, not to exceed the standard
2 adoption fee, for animals released.

3 (e) (1) Before July 1, 2000, a pound or shelter that
4 contracted on or before December 31, 1998, with a public
5 entity to provide animal shelter services, with respect to
6 services from the operative date of this section until the
7 end of the contract, may not kill any impounded stray dog
8 before 72 hours have elapsed from the time of the taking
9 up of the dog, unless the pound or shelter determines that
10 the dog is irremediably suffering from a serious illness, or
11 is a dog that requires maternal care that has been
12 impounded without its mother.

13 (2) On and after July 1, 2000, subdivision (a) shall
14 apply to a pound or shelter described in paragraph (1).

15 SEC. 2. Section 31752 of the Food and Agricultural
16 Code is amended to read:

17 31752. (a) Except as specified in subdivision (c), is
18 required holding period for a stray cat impounded
19 pursuant to this division shall be six business days, not
20 including the day of impoundment, except as follows:

21 (1) If the pound or shelter has made the cat available
22 for owner redemption on one weekday evening until at
23 least 7:00 p.m. or one weekend day, the holding period
24 shall be four business days, not including the day of
25 impoundment.

26 (2) If the pound or shelter has fewer than three
27 full-time employees or is not open during all regular
28 weekday business hours, and if it has established a
29 procedure to enable owners to reclaim their cats by
30 appointment at a mutually agreeable time when the
31 pound or shelter would otherwise be closed, the holding
32 period shall be four business days, not including the day
33 of impoundment.

34 Except as provided in Sections 17006 and 31752.5, stray
35 cats shall be held for owner redemption during the first
36 three days of the holding period, not including the day of
37 impoundment, and shall be available for owner
38 redemption or adoption for the remainder of the holding
39 period.

~~(b) Any stray cat that is impounded pursuant to this division shall, prior to the killing of that animal for any reason other than irremediable suffering, be released to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organization if requested by the organization prior to the scheduled killing of that animal. In addition to any required spay or neuter deposit, the pound or shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals released.~~

~~(c) (1) Before July 1, 2000, a pound or shelter that contracted on or before December 31, 1998, with a public entity to provide animal shelter services, with respect to services from the operative date of this section until the end of the contract, may not kill any impounded stray cat before 72 hours have elapsed from the time of the taking up of the cat, unless the pound or shelter determines that the cat is irremediably suffering from a serious illness, or is a cat that requires maternal care that has been impounded without its mother.~~

~~(2) On and after July 1, 2000, subdivision (a) shall apply to a pound or shelter described in paragraph (1).~~

~~SEC. 3. Section 31752.5 of the Food and Agricultural Code is amended to read:~~

~~31752.5. (a) The Legislature finds and declares the following:~~

~~(1) Domestic cats' temperaments range from completely docile indoor pets to completely unsocialized outdoor cats that avoid all contact with humans.~~

~~(2) "Feral cats" are cats with temperaments that are completely unsocialized, although frightened or injured tame pet cats may appear to be feral.~~

~~(3) Some people care for or own feral cats.~~

~~(4) Feral cats pose particular safety hazards for shelter employees.~~

~~(5) It is cruel to keep feral cats caged for long periods of time; however, it is not always easy to distinguish a feral cat from a frightened tame cat.~~

~~(b) For the purposes of this section, a "feral cat" is defined as a cat without owner identification of any kind~~

1 ~~whose usual and consistent temperament is extreme fear~~
2 ~~and resistance to contact with people. A feral cat is totally~~
3 ~~unsocialized to people.~~

4 ~~(e) Notwithstanding Section 31752, except as specified~~
5 ~~in subdivision (d), if an apparently feral cat has not been~~
6 ~~reclaimed by its owner or caretaker within the first three~~
7 ~~days of the required holding period, shelter personnel~~
8 ~~qualified to verify the temperament of the animal shall~~
9 ~~verify whether it is feral or tame by using a standardized~~
10 ~~protocol. If the cat is determined to be docile or a~~
11 ~~frightened or difficult tame cat, the cat shall be held for~~
12 ~~the entire required holding period specified in Section~~
13 ~~31752. If the cat is determined to be truly feral, the cat~~
14 ~~may be euthanized or relinquished to a nonprofit, as~~
15 ~~defined in Section 501(c)(3) of the Internal Revenue~~
16 ~~Code, animal adoption organization that agrees to the~~
17 ~~spaying or neutering of the cat if it has not already been~~
18 ~~spayed or neutered. In addition to any required spay or~~
19 ~~neuter deposit, the pound or shelter, at its discretion, may~~
20 ~~assess a fee, not to exceed the standard adoption fee, for~~
21 ~~the animal released.~~

22 ~~(d) (1) Before July 1, 2000, a pound or shelter that~~
23 ~~contracted on or before December 31, 1998, with a public~~
24 ~~entity to provide animal shelter services, with respect to~~
25 ~~services from the operative date of this section until the~~
26 ~~end of the contract, shall treat a feral cat in the same~~
27 ~~manner as required in Section 31752.~~

28 ~~(2) On and after July 1, 2000, subdivision (c) shall~~
29 ~~apply to a pound or shelter described in paragraph (1).~~

30 ~~SEC. 4. Section 31754 of the Food and Agricultural~~
31 ~~Code, as added by Section 16 of Chapter 752 of the~~
32 ~~Statutes of 1998, is amended to read:~~

33 ~~31754. (a) Except as provided in subdivision (b) and~~
34 ~~in Section 17006, any animal relinquished by the~~
35 ~~purported owner, that is of a species impounded by~~
36 ~~pounds or shelters shall be held for two full business days,~~
37 ~~not including the day of impoundment. The animal shall~~
38 ~~be available for owner redemption for the first day, not~~
39 ~~including the day of impoundment, and shall be available~~
40 ~~for owner redemption or adoption for the second day.~~

1 ~~After the second required day, the animal may be held~~
2 ~~longer, killed, or relinquished to a nonprofit, as defined in~~
3 ~~Section 501(c)(3) of the Internal Revenue Code, animal~~
4 ~~adoption organization under the same conditions and~~
5 ~~circumstances provided for stray dogs and cats in Sections~~
6 ~~31108 and 31752.~~

7 ~~(b) With respect to a pound or shelter that contracted,~~
8 ~~on or before December 31, 1998, with a public entity to~~
9 ~~provide animal shelter services, subdivision (a) shall only~~
10 ~~apply on and after July 1, 2000.~~

11 ~~(c) This section shall become operative on July 1, 1999.~~
12 ~~This section shall become inoperative on July 1, 2001, and,~~
13 ~~as of January 1, 2002, is repealed, unless a later enacted~~
14 ~~statute that is enacted before January 1, 2002, deletes or~~
15 ~~extends the dates on which it becomes inoperative and is~~
16 ~~repealed.~~

17 ~~SEC. 5. Section 21 of Chapter 752 of the Statutes of~~
18 ~~1998 is amended to read:~~

19 ~~Sec. 21. Sections 12 and 13 of this act shall become~~
20 ~~operative on July 1, 2000.~~

21 ~~SEC. 6.—~~

22 *SEC. 2.* This act is an urgency statute necessary for
23 the immediate preservation of the public peace, health,
24 or safety within the meaning of Article IV of the
25 Constitution and shall go into immediate effect. The facts
26 constituting the necessity are:

27 In order to ensure that local pounds and shelters that
28 provide animal shelter services to public agencies may
29 continue to operate in order to protect the public health,
30 safety, and welfare while making arrangements to
31 implement or otherwise respond to the provisions of
32 Chapter 752 of the Statutes of 1998, it is necessary that this
33 act take effect immediately.